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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SHARMA, SUJATHA R

ART UNIT	PAPER NUMBER
2684	

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/439,348	FEBVRE ET AL.	
	Examiner	Art Unit	
	Sujatha Sharma	2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 23 May 2005.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,3,4,6-9,11-15,18 and 26-29 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1,3,4,6-9,11-15,18,26-29 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claim 1,4 is rejected under 35 U.S.C. 102(e) as being anticipated by Chater-Lea [US 5,822,314].

Regarding claims 1,4 Chater-Lea discloses a method for communication systems requiring timing synchronization between communication units. Chater-lea further discloses a method of controlling the transmission timing of a wireless mobile transceiver in a wireless communications system, including

- transmitting to the mobile transceiver a time slot allocation indicating a sequential plurality of time slots available to the mobile transceiver in a time-slotted channel; see col. 3, line 44- col. 4, line 47

- receiving a burst transmission from the mobile transceiver in one of said time slots, the burst transmission including a time slot indication indicating the one of the time slots within which the burst was transmitted; see col. 5, lines 11-35
- calculating from the timing of reception of said burst transmission a timing correction value for the mobile transceiver so as to synchronize the transmission timing of said mobile transceiver with a reference timing; and transmitting said timing correction value to the mobile transceiver; see col. 6, line 53 – col. 7, line 28

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Moher[US 6,693,983].

Regarding claims 7-9, Sasaki discloses a method a method of controlling the transmission timing of a wireless transceiver in a wireless communications system, including:

- transmitting a burst transmission from the transceiver and receiving at the transceiver a timing correction value; and further controlling a subsequent transmission by the transceiver according to the timing correction value and according to a timing uncertainty value as a function of time elapsed since reception of the timing correction value. See Fig. 2, col. 4, line 30 – col. 7, line 6; col. 9, line 41 – col. 10, line 22

5. Claims 11-15, 26-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Cooper [US 5,646,947].

Regarding claims 11-15, 26-28 Cooper discloses a wireless link signal for wireless transceiver communication comprising a data burst including in temporal sequence:

- an initial predetermined synchronization sequence, a data field carrying the data content of the burst; and a final predetermined synchronization sequence. Further the plurality of slots is sequentially separated by a guard band, wherein the length of the guard band is less than the maximum relative timing error between transmissions in adjacent time slots.

See Fig.2, Col. 2, lines 13-61, col. 4, lines 24-45.

6. Claim 18 is rejected under 35 U.S.C. 102(b) as being anticipated by Chennakeshu [US 5,400,362].

Regarding claim 18, Chennakeshu discloses a method of transmitting data over a wireless communications link, comprising:

- detecting a timing reference signal; see col. 1, lines 15-34
- receiving a timing slot allocation over the wireless communications link; See col. 3, line 55 – col. 4, line 2
- and transmitting said data according to said timing reference signal and said timing slot allocation, in a time-slotted channel having a format including periodic blocks of constant length each occupied by either one long burst or an integral number of short bursts of equal length. See col. 5, lines 25-35

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3,29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chater-Lea [US 5,822,314] in view of Scott [US 6,388,997].

Regarding claims 3,29 Chater-Lea discloses all the limitations as claimed. However he does not disclose a method wherein the plurality of time slots forming a sequence block have a total length that is greater than the maximum variation in the propagation delay.

Scott, in the same field of endeavor, teaches a method wherein the plurality of time slots forming a sequence block have a total length that is greater than the maximum variation in the propagation delay. See column 7, line 52 – column 8, line 25.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teachings of Scott to Chater-Lea in order to limit number of users in a conversation and thus avoid interference issues.

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chater-Lea [US 5,822,314] in view of Kronz [WO 99/00931].

Regarding claim 6, Chater-Lea as treated in claim 4 does not disclose a method of selecting the time slot randomly.

Kronz teaches a method of selecting a time slot randomly. See page 11, lines 7-18.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teachings of Kronz to Chater-Lea in order to allow the user to send a reservation request for transmission of data signal prior to obtaining a time slot allocation for data transmission.

Response to Arguments

Claims 1,3,4,6,20

Regarding claims 1,4, the applicant argues that the Chater-Lea reference does not teach or suggest "receiving a burst transmission from the mobile transceiver in one of said time slots, the burst transmission including a time slot indication indicating the one of the time slots within which the burst was transmitted".

The examiner respectfully disagrees and draws the applicant's attention to Chater-Lea reference col. 5, lines 18-21 and col. 6, lines 50-59. Here in a multiframe scenario, a frame number is broadly interpreted as a time slot. Therefore the Chater-Lea reference reads on all the limitations of the claims 1,4.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the timing correction value is a time period and not an integral number of frames) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claims 7-9

Applicant's arguments with respect to claims 7-9 have been considered but are moot in view of the new ground(s) of rejection.

Claims 11-15, 26-28

Regarding claims 11-15, 26-28, the applicant argues that the Cooper reference does not teach transmission related to data burst but to bit streams. However the examiner disagrees since the body of the claim relates to data format which is met by the Cooper reference. In response to applicant's arguments, the recitation "communication comprising a data burst" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Claim 18

Regarding claim 18, the applicant argues that the Chennakeshu reference does not teach or suggest a single long burst. The examiner respectfully disagrees since the claim is recited in the alternative i.e. "one long burst or an integral number of short bursts of equal length" and is accordingly treated in the alternative i.e. "an integral number of short bursts of equal length".

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sujatha Sharma whose telephone number is 571-272-7886. The examiner can normally be reached on Mon-Fri 7.30am - 4.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sujatha Sharma
July 14, 2005

EDAN ORGAD
PATENT EXAMINER/TELECOMM.

L.O. 7/11/05